

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

<p>To:</p> <p>RUSCHKE, Hans E. RUSCHKE HARTMANN BECKER Pienzenauerstrasse 2 81679 München ALLEMAGNE</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RUSCHKE HARTMANN BECKER ANWALTSSOZIELTÄT  05. April 2004  FRIST TERM EINGANG - RECEIVED </div>	<p>NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT  (PCT Rule 71.1)</p>
		<p>Date of mailing (day/month/year)                      02.04.2004</p>
<p>Applicant's or agent's file reference J 1536 Ho</p>		<p><b>IMPORTANT NOTIFICATION</b></p>
<p>International application No. PCT/US 03/22316</p>	<p>International filing date (day/month/year) 17.07.2003</p>	<p>Priority date (day/month/year) 29.07.2002</p>
<p>Applicant JOHNSON DIVERSEY, INC. et al</p>		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.



#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.



For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

<p>Name and mailing address of the international preliminary examining authority:</p> <div style="text-align: center;">  </div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p>Hardy Magliano, N</p> <p>Tel. +49 89 2399-8151</p> <div style="text-align: right;">  </div>
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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference J 1536 Ho		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/US 03/22316	International filing date (day/month/year) 17.07.2003	Priority date (day/month/year) 29.07.2002	
International Patent Classification (IPC) or both national classification and IPC C09G1/16			
Applicant JOHNSON DIVERSEY, INC. et al			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of    sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I    <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II    <input type="checkbox"/> Priority</p> <p>III    <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV    <input type="checkbox"/> Lack of unity of invention</p> <p>V    <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI    <input type="checkbox"/> Certain documents cited</p> <p>VII    <input type="checkbox"/> Certain defects in the international application</p> <p>VIII    <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand  09.02.2004		Date of completion of this report  02.04.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Puttins, U  Telephone No. +49 89 2399-8661 	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US 03/22316

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

**Description, Pages**

1-49 as originally filed

**Claims, Numbers**

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

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International application No. **PCT/US 03/22316**

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty and inventive step; citations and explanations supporting such statement**

Reference is made to the following document:

D1: EP-A-0 879 852 (ROHM & HAAS) (1998-11-25)

**1. Novelty (Art.33(2) PCT):**

The subject-matter of present claims 1 to 9 is considered novel over the prior art documents cited in the International Search Report and the application, since none of the documents discloses an aqueous resin dispersion comprising a copolymer dispersed in water having the following weight ratio of the monomers: a) 1-70 wt.% of vinyl monomer units containing an alicyclic structure, b) 5-50 wt.% of vinyl monomer units containing carboxyl groups, and c) 5-90 wt.% of non-aromatic vinyl monomer units other than a) and b) (claim 1). A floor polish composition comprising this aqueous resin dispersion according to claim 3 is also not known from the prior art.

**2. Inventive Step (Art.33(3) PCT):**

The subject-matter of present claims 1 to 9 is based upon an inventive step, since there is no hint in document D1, which is considered to represent the closest prior art, alone or in combination with any other document cited in the International Search Report for the claimed resin dispersion for the following reasons:

D1 discloses a polish composition comprising an aqueous dispersion of a copolymer made of unsaturated monomer units (cf. D1, claims).

The composition claimed in the present claims differs from that disclosed in D1 in that the copolymer contains vinyl monomer units containing alicyclic groups.

As compared to the disclosure of D1, the problem to be solved by the present

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EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US03/22316

application may be regarded as to provide an aqueous resin dispersion useful for floor polishing compositions not containing styrene as a monomer unit and metal crosslinkers, which composition should have good gloss, black heel mark and scuff resistance, storage stability and good removability.

The applicant has shown in several examples and comparative examples that the problem posed was solved by the claimed resin dispersion and the floor polishing composition.

Since there is no teaching in D1 for the specific resin dispersion containing alicyclic monomer units and no teaching in any other document found in the International Search Report for the use of this dispersion in compositions for floor polishing, the claimed resin and the claimed composition could not be rendered obvious by document D1.

Therefore, the presence of an inventive step can be acknowledged.